

PART 707—ACQUISITION PLANNING

Subpart 707.1—Acquisition Plans [Reserved]

PART 709—CONTRACTOR QUALIFICATIONS

Sec.

Subpart 709.4—Debarment, Suspension and Ineligibility

709.403 Definitions.

Subpart 709.5—Organizational Conflicts of Interest

709.503 Waiver.

709.507-2 Contract clause.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

Subpart 709.4—Debarment, Suspension and Ineligibility

709.403 Definitions.

Debarring official in USAID is the Procurement Executive.

Suspending official in USAID is the Procurement Executive.

[62 FR 40467, July 29, 1997]

Subpart 709.5—Organizational Conflicts of Interest

709.503 Waiver.

For purposes of approving waivers or re delegating the authority to approve waivers pursuant to FAR 9.503, the USAID Procurement Executive is the Agency head (see (48 CFR) AIDAR 702.170-13(c)(4)). The Procurement Executive had re delegated the authority to approve waivers pursuant to FAR 9.503 to the heads of contracting activities in USAID, as defined in AIDAR 702.170-10.

[54 FR 16122, Apr. 21, 1989, as amended at 62 FR 40467, July 29, 1997]

709.507-2 Contract clause.

(a)-(b) [Reserved]

(c) In order to avoid problems from organizational conflicts of interest

that may be discovered after award of a contract, the clause found at 752.209-71 should be inserted in all contracts whenever the solicitation includes one of the FAR organizational conflict of interest solicitation clauses, FAR 52.209-7 or 52.209-8.

[58 FR 42255, Aug. 9, 1993]

PART 711—DESCRIBING AGENCY NEEDS

Sec.

711.002-70 Metric system waivers.

711.002-71 Solicitation provisions and contract clauses.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

711.002-70 Metric system waivers.

(a) *Criteria.* The FAR 11.002(b) requirement to use the metric system of measurement for specifications and quantitative data that are incorporated in or required by USAID contracts may be waived when USAID determines in writing that such usage is impractical or is likely to cause U.S. firms to experience significant inefficiencies or the loss of markets.

(b) *Authorization.* (1) The USAID Metric Executive (as designated in ADS chapter 323), the contracting officer, and the USAID official who approves the procurement requirement are authorized to waive the metric requirement for one of the above reasons. The USAID Metric Executive is authorized to overrule a decision to grant a waiver, or to nullify a blanket waiver made by another approving official so long as a contractor's rights under an executed contract are not infringed upon.

(2) A blanket waiver for a class of multiple transactions may be issued for a term not to exceed three years.

(3) When a waiver will be based upon the adverse impact on U.S. firms, clearance from the USAID Metric Executive and the Office of Small and Disadvantaged Business Utilization (SDB) will be obtained prior to authorization.

(c) *Records and reporting.* (1) The basis for each waiver and any plans to adapt similar requirements to metric specifications in future procurements